
No. 23-1457

United States Court of Appeals
For the Eighth Circuit

UNITED STATES OF AMERICA,

Plaintiff-Appellee,

v.

STATE OF MISSOURI, ET AL.,

Defendants-Appellants.

UNOPPOSED APPELLANTS' MOTION
FOR EXPEDITED REVIEW UNDER RULE 27

This case seeks review of the district court's decision granting summary judgment and issuing a permanent injunction prohibiting the State of Missouri from enforcing a Missouri law against Missouri state and political subdivisions.

On March 10, 2023, the Court issued its first briefing schedule, and by March 20, the parties had fully briefed a motion to stay the district court's judgment and injunction. While the district court's administrative stay remained in effect, the parties fully briefed the merits. The case was screened for oral argument on August 29, 2023.

On Friday, September 29, 2023, the Court denied Appellants' motion for a stay and administrative stay. Appellants' sought relief from the Supreme Court, and the application for a stay pending appeal was denied on Friday, October 20, with a statement respecting the denial of the stay about the proper scope of federal court injunctions.

During the district court's administrative stay, there was no need for expedited review. The injunction was stayed, and the status quo maintained. Now that the status quo has been interrupted, speedy resolution of the case best promotes the interests of justice as private plaintiffs will likely file in state court (and perhaps federal court in conjunction with claims under 42 U.S.C. § 1983) to vindicate their Second Amendment rights. Final resolution and guidance to federal and state courts will reduce litigation costs and avoid confusion as to the status SAPA claims brought by third parties to this suit. There is good cause to expedite hearing and review of this case.

Counsel for Appellants will be available for argument any available day in November, December, and January listed on the Court's 2023-2024 Calendars. Per Appellee's August 29 letter, counsel is only unavailable November 16–17, 2023, and January 12, 2024. Appellants

also waive the hearing location considerations (noted in the Court's Internal Operating Procedures at K) to assist the Court in hearing the case at the earliest juncture.

Undersigned counsel has consulted with Respondent's counsel who do not oppose the relief requested.

THEREFORE, Appellants request that the Court expedite hearing and consideration of this case.

Dated: October 23, 2023

Respectfully submitted,

ANDREW BAILEY

Missouri Attorney General

/s/ Jeff P. Johnson

Jeff P. Johnson, Mo. Bar No. 73249

Deputy Solicitor General

Joshua M. Divine, Mo. Bar No. 69875

Solicitor General

P.O. Box 899

Jefferson City, MO 65101

Telephone: (314) 340-7366

Facsimile: (573) 751-0774

jeff.johnson@ago.mo.gov

Counsel for Appellants

CERTIFICATE OF SERVICE

I hereby certify that on October 23, 2023, I electronically filed the foregoing with the Clerk of the Court for the United States Court of Appeals for the Eighth Circuit by using the CM/ECF system. I certify that all participants in the case are registered CM/ECF users and that service will be accomplished by the CM/ECF system.

/s/ Jeff P. Johnson

Jeff P. Johnson

CERTIFICATE OF COMPLIANCE

I hereby certify that this response complies with the typeface and formatting requirements of Fed. R. App. P. 27 and 32, and that it contains 352 words as determined by the word-count feature of Microsoft Word.

/s/ Jeff P. Johnson